

REMARKS

Claims 1-23 are pending in the present application.

Claims 1-23 have been rejected.

Claims 1, 5, 9 and 18 have been amended in order to more particularly point out and distinctly claim the Applicants' invention.

Claims 1-23 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Sections 1 and 2 of the December 27, 2004 Office Action, the Examiner rejected Claims 1-11, 14-20, 22 and 23 under U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,157,828 to *Krishnamurthi* (hereafter, "*Krishnamurthi*"). The Applicants respectfully traverse the rejection of Claims 1-11, 14-20, 22 and 23.

The Applicants respectfully direct the Examiner's attention to amended independent Claim 1, which contains the unique and novel limitations emphasized below:

1. For use in a wireless communications system, a mobile switching center comprising:

a controller which, in response to receiving from a base station serving a mobile station a clear request triggered by the mobile station terminating call connections while a call involving the mobile station is holding following a call waiting notification to the mobile station, transmits a message to the base station serving the mobile station to maintain resource allocations designated for the mobile station and alert the mobile station of the holding call. (*emphasis added*)

The Applicants respectfully assert that the above-emphasized limitations of Claim 1 are not disclosed, suggested, or even hinted at in the *Krishnamurthi* reference.

The *Krishnamurthi* reference discloses an implementation of a call-waiting function in a cellular communication system. In rejecting Claim 1, the Office Action mailed December 27, 2004, cited column 5, line 48, through column 6, line 4. That passage states, in pertinent part:

Referring to FIG. 3, assume again that party 1 28 is on hold and MS 32 is in communication with party 2 30. If party 2 30 then hangs up, the network servicing party 2 30 generates a Release Message as described above. In the preferred embodiment, when the Release Message comes from the network, MSC 36 intercepts it, and message generator 38 in MSC 36 generates an Alert With Information Message signal, which is sent to BS 34 on the A-Interface. Message receiver 40 in BS 34 receives the Alert With Information Message, and BS 34 in turn sends an Alert With Information Message to MS 32 on the Air-Interface. When MS 32 receives the Alert With Information Message, it generates an alerting signal in the mobile and waits for the subscriber to answer.
(emphasis added)

Thus, the *Krishnamurthi* reference describes a system wherein a mobile station is connected to a landline party while another landline party waits on hold. When the connected landline party terminates the call, a release message is received at a mobile switching center from the landline network serving the connected party. In contrast, Claim 1 recites a mobile switching center that receives a clear request message from a base station. The clear request message is triggered by a mobile station that is terminating a call while another call is holding.

Therefore, independent Claim 1 contains unique and non-obvious limitations that are not disclosed, suggested, or even hinted at in the *Krishnamurthi* reference. This being the case, Claim 1 is patentable over the *Krishnamurthi* reference. Dependent Claims 2-4 depend from independent Claim 1 and contain all of the unique and non-obvious limitations recited in Claim 1. Thus, Claims 2-4 also are patentable over the *Krishnamurthi* reference.

Additionally, independent Claims 5, 9 and 18 contain limitations that are analogous to the unique and non-obvious limitations recited in Claim 1. This being the case, Claims 5, 9 and 18 are patentable over the *Krishnamurthi* reference. Finally, dependent Claims 6-8, 10, 11, 14-17, 19, 20, 22 and 23, which depend from independent Claims 1, 5, 9 and 18, contain all of the unique and non-obvious limitations recited in Claims 1, 5, 9 and 18. Thus, Claims 6-8, 10, 11, 14-17, 19, 20, 22 and 23 are patentable over the *Krishnamurthi* reference.

In Sections 3 and 4 of the December 27, 2004 Office Action, the Examiner rejected Claim 12 under U.S.C. §103(a) as being unpatentable over *Krishnamurthi* in view of U.S. Patent No. 5,884,196 to *Lekven et al.* (hereafter, "*Lekven*"). In Section 5 of the Office Action, the Examiner rejected Claim 13 under U.S.C. §103(a) as being unpatentable over *Krishnamurthi* in view of U.S. Patent No. 6,108,563 to *Shishino* (hereafter, "*Shishino*"). In Section 6 of the Office Action, the Examiner rejected Claim 21 under U.S.C. §103(a) as being unpatentable over *Krishnamurthi* in view of *Lekven* and further in view of *Shishino*. The Applicant respectfully traverses the rejection of Claims 12, 13 and 21.

Claims 12 and 13 depend indirectly from independent Claim 1, and Claim 21 depends directly from independent Claim 18. Claims 12, 13 and 18 contain all of the unique and non-obvious limitations recited in their respective base claims. As described with regard to the §102 rejection of independent Claims 1 and 18, the *Krishnamurthi* reference does not disclose, suggest, or even hint at all the limitations of Claims 1 and 18. The Applicants respectfully assert that the *Lekven* and *Shishino* references do nothing to overcome the shortcomings of the *Krishnamurthi* reference with

respect to the unique and non-obvious limitations in Claims 1 and 18. As such, the *Krishnamurthi*, *Lekven* and *Shishino* references, alone or in combination, fail to disclose, teach, or suggest the Applicants' invention as recited in Claims 12, 13 and 21. Thus, Claims 12, 13 and 21 are patentable over the cited prior art references.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and requests that this Application pass to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.


Respectfully submitted,

DAVIS MUNCK, P.C.

Date: _____

14 Feb 2005

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *jmockler@davismunck.com*



John T. Mockler
Registration No. 39,775